

**RULES  
OF  
TENNESSEE DEPARTMENT OF AGRICULTURE**

**CHAPTER 0080-6-11  
JAPANESE BEETLE QUARANTINE**

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**0080-6-11-.01 DEFINITIONS.**

- (1) Pest: Japanese Beetle; the insect known as the Japanese Beetle (*Popillia japonica* Newman) in any stage of development.
- (2) Infestation: the presence of the Japanese Beetle.
- (3) Regulated area(s): any County, other civil divisions, farm or premises, or part thereof, designated as a regulated area by this quarantine.
- (4) Suppressive area: any area in which suppressive measures are carried out with the objective of eradicating infestations.
- (5) Regulated Articles: Japanese beetles, soil, means of conveyance, earth moving and handling equipment and other articles and products of any character whatsoever, when in the judgment of the Director of Entomology and Plant Pathology their movement would constitute a hazard for movement of Japanese beetle, and when such movement is regulated by this quarantine.
- (6) Moved (Movement, Move): shipped, offered for shipment, or received for transportation, carried, otherwise transported or moved, or allowed to be moved by any means whatsoever by any person, directly or indirectly.
- (7) Certificate: a document evidencing compliance with the requirements of this quarantine.
- (8) Limited Permit: a document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization or processing, or for treatment.
- (9) Dealer - Carrier Agreement: an agreement to comply with stipulated conditions, executed with persons engaged in purchasing, assembling, handling, exchanging, processing, utilizing, treating or moving regulated articles.
- (10) Inspector: any duly designated employee, agent or representative of the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture, or of the U.S. Department of Agriculture.

**Authority:** T.C.A. §43-518. **Administrative History:** Original rule certified June 5, 1974.

**0080-6-11-.02 REGULATED AREAS.**

- (1) All federally regulated areas for Japanese Beetle; and
  - (a) in Tennessee as follows:

(Rule 0080-6-11-.02, continued)

1.	Anderson	The entire county
2.	Bedford	The entire county
3.	Bledsoe	The entire county
4.	Blount	The entire county
5.	Bradley	The entire county
6.	Campbell	The entire county
7.	Cannon	The entire county
8.	Carter	The entire county
9.	Cheatham	The entire county
10.	Claiborne	The entire county
11.	Clay	The entire county
12.	Cocke	The entire county
13.	Coffee	The entire county
14.	Crockett	The entire county
15.	Cumberland	The entire county
16.	Davidson	The entire county
17.	DeKalb	The entire county
18.	Dickson	The entire county
19.	Fentress	The entire county
20.	Franklin	The entire county
21.	Giles	The entire county
22.	Grainger	The entire county
23.	Greene	The entire county
24.	Grundy	The entire county
25.	Hamblen	The entire county
26.	Hamilton	The entire county
27.	Hancock	The entire county

(Rule 0080-6-11-.02, continued)

28.	Hawkins	The entire county
29.	Henry	The entire county
30.	Hickman	The entire county
31.	Houston	The entire county
32.	Humphreys	The entire county
33.	Jackson	The entire county
34.	Jefferson	The entire county
35.	Johnson	The entire county
36.	Knox	The entire county
37.	Lawrence	The entire county
38.	Lincoln	The entire county
39.	Loudon	The entire county
40.	McMinn	The entire county
41.	Macon	The entire county
42.	Madison	3 mile radius from Huntersville- Providence Rd. intersection with Interstate 40
43.	Marion	The entire county
44.	Marshall	The entire county
45.	Maury	The entire county
46.	Meigs	The entire county
47.	Monroe	The entire county
48.	Montgomery	The entire county
49.	Moore	The entire county
50.	Morgan	The entire county
51.	Overton	The entire county
52.	Pickett	The entire county

(Rule 0080-6-11-.02, continued)

53.	Polk	The entire county
54.	Putnam	The entire county
55.	Rhea	The entire county
56.	Roane	The entire county
57.	Robertson	The entire county
58.	Rutherford	The entire county
59.	Scott	The entire county
60.	Sequatchie	The entire county
61.	Sevier	The entire county
62.	Smith	The entire county
63.	Stewart	The entire county
64.	Sullivan	The entire county
65.	Sumner	The entire county
66.	Trousdale	The entire county
67.	Unicoi	The entire county
68.	Union	The entire county
69.	Van Buren	The entire county
70.	Warren	The entire county
71.	Washington	The entire county
72.	Weakley	The city limits of Greenfield
73.	White	The entire county
74.	Williamson	The entire county
75.	Wilson	The entire county

**Authority:** T.C.A. §43-6-104. **Administrative History:** Original rule certified June 5, 1974. Amendment filed and effective January 11, 1975. Amendment filed May 16, 1975; effective June 15, 1975. Amendment filed January 23, 1995; effective May 31, 1995. Amendment filed September 11, 1998; effective January 28, 1999.

**0080-6-11-.03 REGULATED ARTICLES.**

- (1) Articles the movement of which is prohibited:
  - (a) Live Japanese beetles in any stage of development except for scientific purposes, and then only under specific permit from the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture, or the Director of the Plant Pest Control Division of the U.S. Department of Agriculture, and in accordance with such conditions as may be required. The permit shall be securely attached to the outside of the container.
- (2) Articles the movement of which is regulated:
  - (a) Soil, compost, humus, decomposed manure, independent of or in connection with nursery stock, plants, plant products or other articles or things.
  - (b) Nursery stock and field or forest plants with roots attached.
  - (c) Grass Sod.
  - (d) Plant crowns or roots for propagation.
  - (e) True bulbs, corms, tubers, and rhizomes of oramental plants when freshly harvested or uncured.
  - (f) Any other farm products (including fresh vegetable and fruit), means of conveyance, construction and maintenance equipment and articles or things of any character whatsoever, when it is determined by the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture that they present a hazard of spread of the Japanese Beetle.

*Authority: T.C.A. §43-518. Administrative History: Original rule certified June 5, 1974.*

**0080-6-11-.04 CONDITIONS GOVERNING MOVEMENT OF REGULATED ARTICLES.**

- (1) Regulated articles may be moved only under certificate or limited permit, except as provided in paragraph B of this section. Movement by any means whatsoever of the following regulated articles from any regulated area into or through any point outside of the regulated areas, or from generally infested area into or through any suppressive area will be allowed only when accompanied by a valid certificate or limited permit issued in compliance with the requirements of this quarantine by a duly authorized representative of the Tennessee Department of Agriculture or the U. S. Department of Agriculture. However, regulated articles which originate outside of the regulated areas and are being moved through or are being reshipped from a regulated area may be moved from such regulated area into or through any point outside of the regulated area without further restrictions, when their point of origin is clearly indicated, when their identity has been maintained, and when they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector and do not present a hazard of spread of the Japanese beetle. Otherwise such regulated articles shall be subject to the same requirements as for those originating in a regulated area.
  - (a) Soil, compost, humus and decomposed manure, independent of, or in connection with nursery stock, plants, plant products or other articles or things.
  - (b) Nursery stock, and field or forest woody plants with roots attached.
  - (c) Grass Sod.
  - (d) Plant crowns or roots for propagation.
  - (e) True bulbs, corms, tubers and rhizomes of ornamental plants when freshly harvested.

(Rule 0080-6-11-.04, continued)

- (f) Other farm products (including fresh vegetables and fruits), means of conveyance, construction and maintenance equipment, and other articles or things when it is determined by the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture that they present a hazard of spread of Japanese beetle.
- (2) Regulated articles that do not require certificate or limited permit for movement. The following regulated articles are exempted from the requirements for movement under certificate or limited permit under the conditions set forth hereinafter.
  - (a) Humus, compost and decomposed manure, when dehydrated, ground, pulverized or compressed.
  - (b) True bulbs, corms, and tubers (other than dahlia tubers) when dormant, and when free from soil.
  - (c) Single dahlia tubers or small dahlia root-divisions when free from stems, cavities and soil.
  - (d) Plants when growing exclusively in osmunda fiber or chipped or shredded bark.
  - (e) Soil - free aquatic plants.
  - (f) Soil - free sweet potato plants or draws.
  - (g) Soil - free rooted cutting which have not developed a root system sufficient to conceal larvae of the Japanese beetle.
  - (h) Soil samples when, (a) the samples do not exceed one pound in weight, (b) packed in tight containers so that no spillage occurs in transit, (c) they are consigned to an approved laboratory operating under a dealer-carrier agreement, and when the sample is not from an area infested with soybean cyst nematode, golden nematode, or witchweed.
  - (i) Any regulated articles when transported via mail or common carrier on a through bill of lading from a regulated area through a non-regulated area to another regulated area.
  - (j) Other farm products, means of conveyance, construction and maintenance equipment, articles or things when treated or cleaned to the satisfaction of the inspector, or when it has been determined by the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture that they present no hazard of spread of Japanese beetle.

**Authority:** T.C.A. §43-518. **Administrative History:** Original rule certified June 5, 1974.

**0080-6-11-.05 USE OF CERTIFICATES OR LIMITED PERMITS WITH SHIPMENTS.** Every container of regulated articles, or if there is none, the article itself, required to have a certificate or limited permit under the provisions of this quarantine shall have such certificate or permit securely attached to the outside thereof when being moved, or offered for movement, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required.

**Authority:** T.C.A. §43-518. **Administrative History:** Original rule certified June 5, 1974.

**0080-6-11-.06 PROTECTING CERTIFIED ARTICLES.** After certification regulated articles must be loaded, hauled and shipped under such protection and safeguards as required by the inspector to prevent the spread of Japanese beetles.

(Rule 0080-6-11-.06, continued)

**Authority:** T.C.A. §43-518. **Administrative History:** Original rule certified June 5, 1974.

**0080-6-11-.07 CONDITIONS GOVERNING ISSUANCE OF CERTIFICATES AND LIMITED PERMITS.**

- (1) Certificates: Certificates may be issued by the inspector for the movement of the regulated articles designated in this quarantine under any of the following conditions.
  - (a) When in the judgment of the inspector they have not been exposed to infestation.
  - (b) When they have been examined by the inspector and found to be free of infestation.
  - (c) When they have been treated to destroy infestation under the supervision of the inspector, using procedures and methods known to be effective under the conditions in which applied.
  - (d) When grown, produced, manufactured, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.
- (2) Limited Permits: Limited permits may be issued by the inspector for the movement of non-certified regulated articles to specified destinations for limited handling, utilization or processing, or for treatment.

**Authority:** T.C.A. §43-518. **Administrative History:** Original rule certified June 5, 1974.

**0080-6-11-.08 ASSEMBLY OF ARTICLES FOR INSPECTION.** Any person desiring to move any of the regulated articles from the regulated areas to points outside thereof, shall make application to an inspector in advance, indicating the location of articles to be moved, and the destination of such movement. He shall then assemble such articles at such points and in such manner as the inspector shall direct to facilitate inspection. If on inspection, such movement does not represent an element of risk, a certificate will be issued. If cleaning or treatment is necessary then such procedure will be outlined by the inspector and carried out under his supervision, and certificates issued on satisfactory completion of such procedures or treatments.

**Authority:** T.C.A. §43-518. **Administrative History:** Original rule certified June 5, 1974.

**0080-6-11-.09 CANCELLATION OF CERTIFICATES OR LIMITED PERMITS.** Any certificates, limited permits or dealer-carrier agreements issued under the provisions of this quarantine may be suspended or revoked by the Director of Entomology and Plant Pathology for failure or refusal to comply with the provisions of this quarantine, or when said Director determines that the further use of such certificates, permits, or limited permits would result in the spread of Japanese beetles.

**Authority:** T.C.A. §43-518. **Administrative History:** Original rule certified June 5, 1974.

**0080-6-11-.10 PENALTY.** Any person, firm or corporation who shall violate any of the provisions of this quarantine shall be deemed guilty of a misdemeanor as provided in Section 43-520, paragraph 12 T.C.A. of the Plant Pest Act of 1955, and shall be liable to the penalties as prescribed therein.

**Authority:** T.C.A. §43-518. **Administrative History:** Original rule certified June 5, 1974.